

Exhibit

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Joseph A. Dunne

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July 22, 2019

VIA FEDEX and EMAIL: landeal@gmail.com

Mr. Nicholas Cocuzza

Cocuzza Construction Group, L.L.C. dba Sandy Hook Rentals

40 Mead Street

Berkeley Heights, NJ 07922

Re: Markos v. Cocuzza Construction Group, L.L.C. dba Sandy Hook Rentals
Our File No.: 00520-0010

Dear Mr. Cocuzza,

We write on behalf of our client Steven LaMont Markos, a photographer, for purposes of resolving a case of copyright infringement against you by our client. This demand is privileged from disclosure pursuant to FRE Rule 408.

Please provide this letter to your general liability insurance carriers or other providers of insurance that may cover this claim.

Steven LaMont Markos ("Markos")

Our client is an experienced professional photographer who makes a living from photography. Markos owns and operates the website, National Park Planner, www.npplan.com. Markos started National Park Planner in 2014 to bring to the public first-hand coverage of the over 400 National Parks that make up America's National Park System, including summaries of the park's amenities and professional photographs of the terrain.

Markos retains all copyrights to his photographs. Markos licenses his copyrighted Works, such as the ones in this case, for commercial use.

One of the Works at issue is shown below. The other five are attached. At the time the Works were created, Markos applied Copyright Management Information to the images.

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Markos registered the Works with the Register of Copyrights on October 3, 2017 and was assigned the registration number(s) VA 2-073-596, a copy of which is enclosed.

Infringement by Cocuzza Construction Group, L.L.C. dba Sandy Hook Rentals ("CCG")

The infringement at issue was identified on January 11, 2019. We have enclosed contemporaneous evidence of the infringement by CCG.

You have employed our client's Works in at least the manner indicated in the evidence attached. Your unauthorized use commenced on at least the date indicated above. You are fully aware that the Works you used are our client's Works. No one from your company ever sought a license from our client to use the Works for any purpose.

You have copied, displayed and distributed our client's Works without permission, license or consent. The use of a creator's photographic image without written consent or license violates the United States Code, Title 17, and The Copyright Act. The Copyright Act provides for entry of an injunction directing removal of the offending materials pending litigation. This letter shall serve as formal notice that you immediately cease and desist all unauthorized uses of our client's Works. Any such further uses shall be at your peril.

If you possess a contract, license, agreement or writing on which you will rely for authorization of your use of our client's Works, please provide us with this evidence so

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we may avoid further controversy or litigation. Otherwise, we will be forced to assume that your use violated the law.

Damages

Copyright law provides several different elements of compensation to Markos when a work is infringed or altered. Section 504 permits Markos to recover actual damages plus “any additional profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages,” or statutory damages of up to \$150,000 per work infringed if the registration predated the infringement. Markos can present both damages theories to the jury and select the higher award any time prior to entry of judgment.

Academic studies have demonstrated that the use of good quality photographs more effectively market and advertise products and drive sales. Markos’s photographs are of the highest quality. Markos’s photographs are also scarce since he is one of the only sources of such quality photographs.

Markos’s damages are not limited to what he would have agreed to license the Works for prior to the infringement. Rather, Markos’s actual damages will be measured by the fair market value of the photograph considering CCG’s use to sell and promote its business. Markos’s actual damages must be measured in light of CCG’s use of Markos’s high quality and unique Works.

This is consistent with federal courts’ approach to broadly construing the term “actual damages” to favor victims of infringement. See, e.g., *Davis v. Gap, Inc.*, 246 F.3d 152, 164 (2d Cir. 2001). The fair market value approach for calculating damages is an accepted approach to valuing the defendants’ uses of photographs. See *Leonard v. Stemtech Int’l, Inc.*, Nos. 15-3198, 15-3247, 2016 U.S. App. LEXIS 15565 (3d Cir. Aug. 24, 2016). In addition, Markos can offer evidence of the actual cost to take the photograph infringed on a time and materials basis.

Section 504 of the Copyright Act permits Markos to recover actual damages plus “any additional profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages.” Therefore, Markos will also be entitled to CCG’s profits from the infringement, based upon the revenue CCG earned in connection with the use of Markos’s Works.

Alternatively, Markos could seek statutory damages for infringement in an amount of up to \$30,000 per work infringed if the registration predated the infringement. There is also the possibility that a judge or jury could determine that CCG’s infringement was

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willful. If CCG's infringement was shown to be willful, the statutory damage award would increase to an amount up to \$150,000 per work infringed.

Demand

In order to determine how to proceed, please provide us with information and documents showing:

1. the full nature and extent of the use of our client's Works, in any and all formats;
2. representative copies in any and all tangible form and media in which our client's Works were incorporated or employed; and
3. the source of the Works.

Upon receipt of this information we will consider and determine an appropriate amount required to be paid to our client in compensation.

Please carefully consider this letter and the associated exhibits and provide them to your attorneys and insurance carriers. If we do not receive a response from you or a representative by August 5, 2019, we will take further steps to protect our client's rights. We look forward to your prompt response.

Sincerely,

SRIPLAW



Joseph A. Dunne

JAD/ld
Enclosures



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Karen Leigh Clayett

Acting United States Register of Copyrights and Director

Registration Number

VA 2-073-596

Effective Date of Registration:

October 03, 2017

Title

Title of Work: Group Registration Photos, National Park Planner, published July 16, 2017 to September 26, 2017; 686 photos

Content Title: Edison-001 to Edison-055, July 16, 2017

Morristown-001 to Morristown-018, July 31, 2017; Morristown-020 to Morristown-050, July 31, 2017; Morristown-052 to Morristown-079, July 31, 2017; Morristown-081 to Morristown-096, July 31, 2017; Morristown-098 to Morristown-139, July 31, 2017; Morristown-141, July 31, 2017; Morristown-143, July 31, 2017; Morristown-145, July 31, 2017; Morristown-147 to Morristown-154, July 31, 2017

Gateway-001 to Gateway-007, September 23, 2017; Gateway-009 to Gateway-017, September 23, 2017; Gateway-019 to Gateway-077, September 23, 2017; Gateway-080 to Gateway-128, September 23, 2017; Gateway-130 to Gateway-139, September 23, 2017; Gateway-141 to Gateway-148, September 23, 2017; Gateway-150, September 23, 2017; Gateway-152 to Gateway-178, September 23, 2017; Gateway-180 to Gateway-184, September 23, 2017; Gateway-186 to Gateway-399, September 23, 2017; Gateway-401 to Gateway-478, September 23, 2017

Federal-Hall-001 to Federal-Hall-016, September 26, 2017; Federal-Hall-018, September 26, 2017

Completion/Publication

Year of Completion: 2017

Date of 1st Publication: July 16, 2017

Nation of 1st Publication: United States

Author

• **Author:** Steven LaMont Markos
Author Created: photograph
Work made for hire: No
Citizen of: United States
Domiciled in: United States
Year Born: 1964

Copyright Claimant

Copyright Claimant: Steven LaMont Markos
2606 Waters Edge Trail, Roswell, GA, 30075, United States

Rights and Permissions

Name: Steven LaMont Markos
Email: info@npplan.com
Telephone: (404)652-0532
Alt. Telephone: (404)652-0532
Address: 2606 Waters Edge Trail
Roswell, GA 30075 United States

Certification

Name: Steven LaMont Markos
Date: October 03, 2017



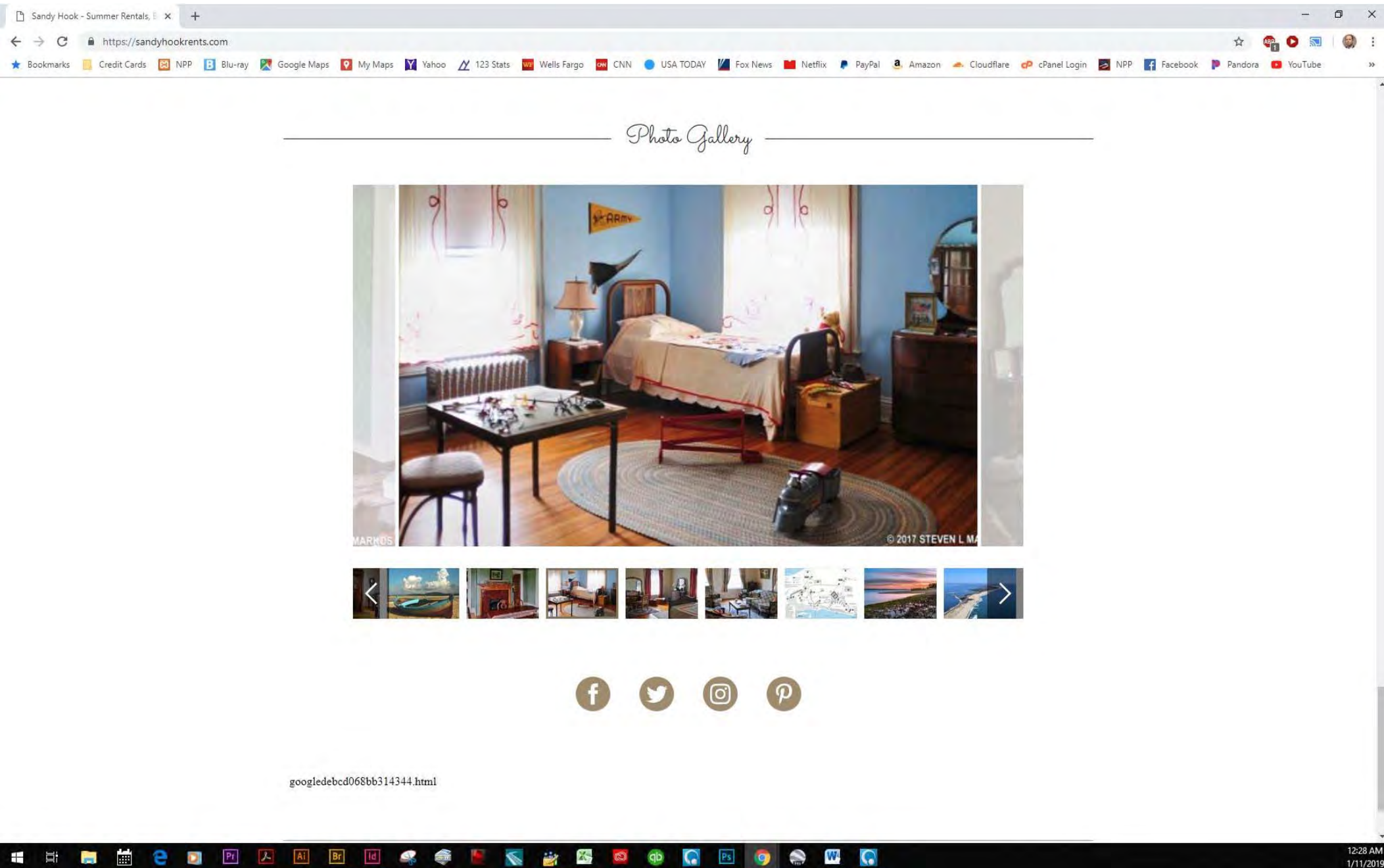




Photo Gallery



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Sandy Hook - Fort Hancock, San X +

https://sandyhookrents.com/offering

Bookmarks Credit Cards NPP Blu-ray Google Maps My Maps Yahoo 123 Stats Wells Fargo CNN USA TODAY Fox News Netflix PayPal Amazon Cloudflare cPanel Login NPP Facebook Pandora YouTube


Fort Hancock, Sandy Hook NJ (go8) 213-5760

HOME OFFERING FORT HANCOCK & SANDY HOOK PHOTOS

Sandy Hook Rentals-Fort Hancock

'STAY & PLAY' RENTAL OPPORTUNITY - SUMMER/ANNUAL RENTALS

Offering at Fort Hancock



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THE PROPERTY

These Beautiful Historic properties are being offered to individuals to rehabilitate these structures to their original stateliness. While the investment is very significant, we are committed to carrying through our plans to transform these buildings to wonderful "Stay & Play" type rentals for individuals as vacation or annual rentals.

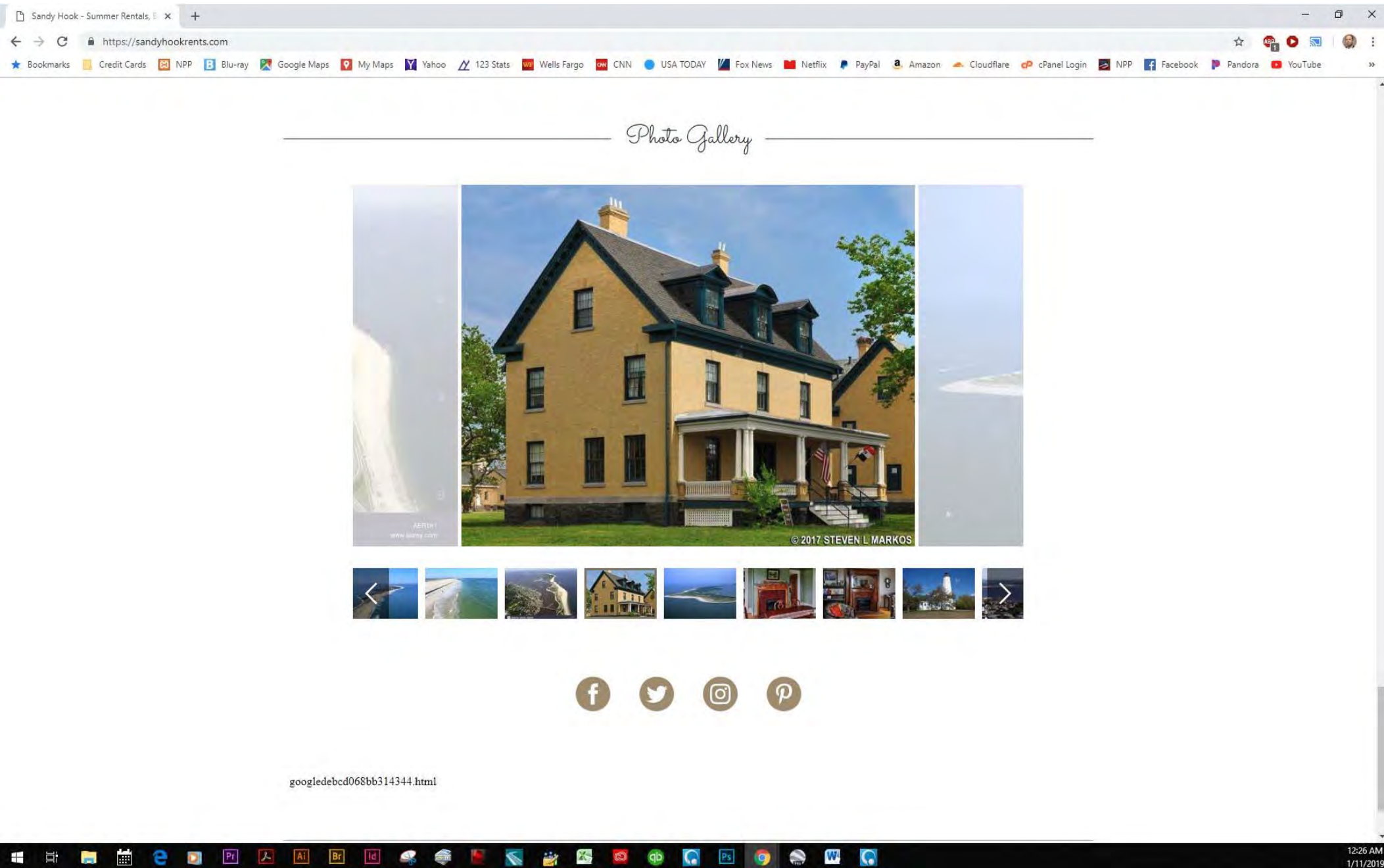
OUR OFFERING

This offering is made under the auspices that our re-building and development plans are approved by the National Park Service in which our current proposal is accepted and further processes negotiated. We expect to have approval and begin renovations by Summer 2019. Rental rates will start at \$1000 per month (CAM charges will apply in the range of \$4.00 per square foot, which would include electricity, water, insurance, refuse removal, landscaping, common cleaning, laundry and shared service charges, etc. This will be further explained in the lease, however for these purposes would amount to approximately \$150 per month.)

EMAIL

Please feel free to email us with any questions at SandyHookRents@gmail.com
If you call, we will attempt to return your call as soon as practical.

Downloads



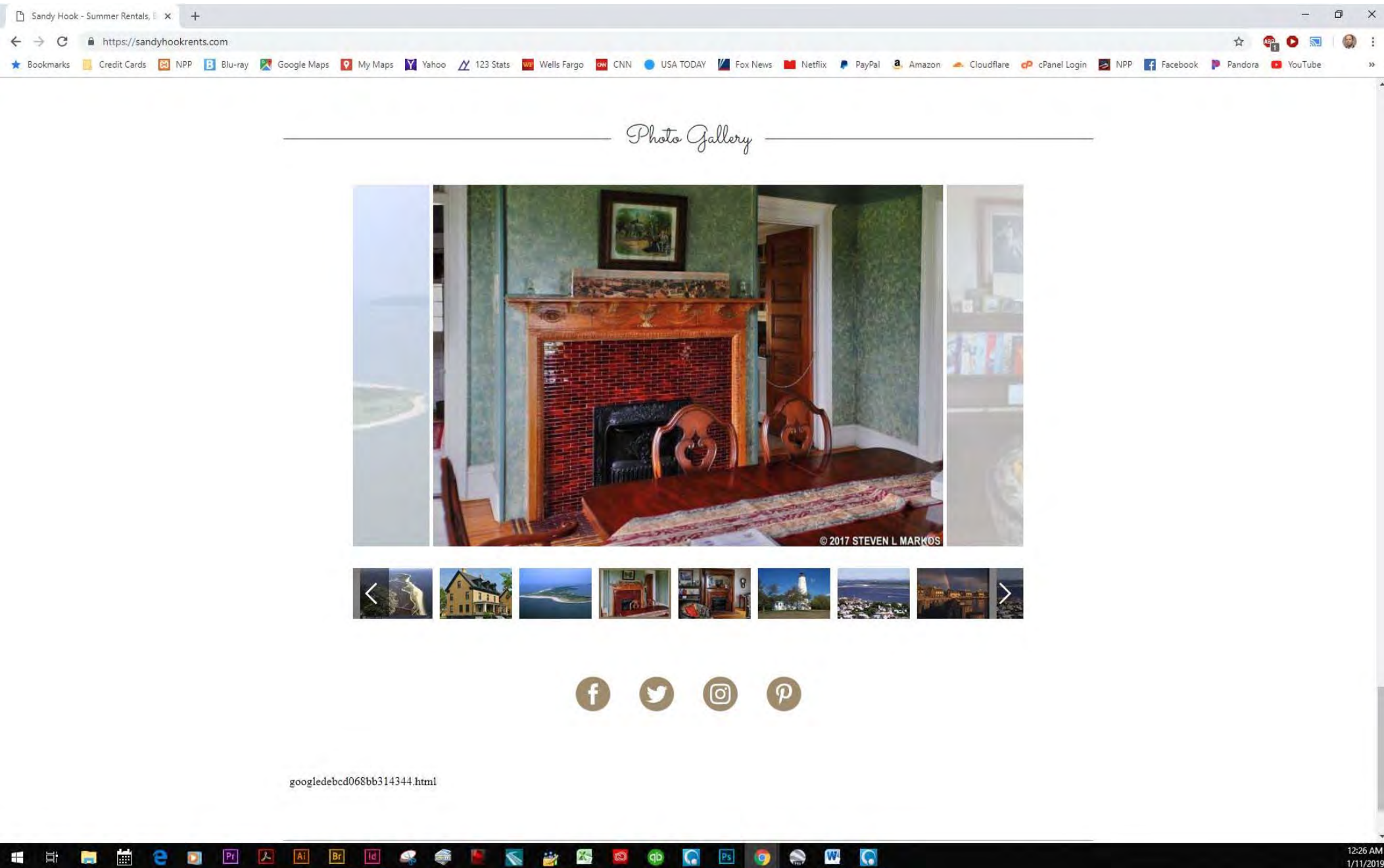




Photo Gallery



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